

Development Consent No. 224/17

Section 4.55 Application

Applicant's Name

Design Delta Architects

Land to which this applies

306 Pacific Highway, Crows Nest
Lot No.: 2, DP: 109422

Proposal

To modify a consent for new pedestrian entry lobby from Shirley Road, partitioning to the existing first floor into a total of three smaller tenancies and associated works.

Pursuant to Section 4.55 of the Act notice is hereby given of the determination by the consent authority of your request for a modification to Development Consent No. **224/17** and registered in Council's records as Application No. **224/17/2** relating to the land described as **306 Pacific Highway, Crows Nest**.

Your request for the modification of the Development Consent as set out in Notice of Determination dated 12 July 2017, has been determined in the following manner:

1. To insert the following new conditions:

Development in Accordance with Plans (S4.55 Amendments)

A4. The development being carried out in accordance with drawings referred to in Condition A1 and endorsed with Council's approval stamp, except as modified by the following drawings endorsed with Council's approval stamp:

Plan No.	Issue	Title	Drawn by	Received
A100	B	Ground Floor Plan	Design Delta Architects	23/7/18
A101	B	Upper Floor Plan	Design Delta Architects	23/7/18

and except as amended by the following conditions.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council, Public Information)

Partitions clear of windows

- A5.** Internal partitions must be installed clear of any window openings. The termination of internal partitions must meet with wall/partitions(s), and not directly abut any window(s).

The Certifying Authority must ensure that the building plans and specifications submitted by the Applicant, referenced on and accompanying the issued Construction Certificate, fully satisfy the requirements of this condition.

(Reason: To allow expression of the window to be maintained; to prevent inappropriate intrusion into or erosion of significant fabric)

Reason for approval

Approval for modifications to the approved alterations and additions, involving a new pedestrian entry lobby, partitioning to the existing first floor and associated works, will provide for continued adaptive use of the heritage item. The proposed changes to accessibility provision are acceptable in the circumstances, having regard to the site's constraints. The building as proposed to be modified will provide for a greater level of accessibility than the pre-existing condition of the building.

How were community views taken into account in making the decision

The development application was not formally notified, in accordance with Section A4 of the North Sydney Development Control Plan 2013, as it is not considered to have a material impact on surrounding buildings or land uses.

The conditions attached to the original consent for Development Application No. 224/17 by endorsed date of 12 July 2017 still apply.

ADVISINGS

- (a) Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact **Susanna Cheng**. However, if you wish to pursue your rights of appeal in the Land and Environmental Court pursuant to Section 8.7 of the *Environmental Planning and Assessment Act, 1979* (as amended), you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing, subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in advance and in writing, that the Court appointed assessor will be given the full authority to completely determine the matter at the conference.

- (b) Pursuant to Section 8.2, an applicant is able to request Council to review its determination. An application for a review under Section 8.2 of the Act must be made no later than 28 days after the date on which the application for the modification of the development consent was determined.
- (c) Prior to commencing any building, subdivision or associated constructions works, the following provisions of the *Environmental Planning and Assessment Act, 1979* (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.3 of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6 of the Act.
 - (iii) Council is to be notified at least two (2) days of the intention to commence building works, in accordance with Section 6.6(2)(a) of the Act.
- (d) You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a further modification under Section 4.55 of the *Environmental Planning & Assessment Act, 1979* (as amended).

Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

DATE

Signature on behalf of consent authority
GEOFF MOSSEMENEAR
EXECUTIVE PLANNER